THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.8387 of 2006

Date 22.02.2007

Between:
S.Ramesh.

..... PETITIONER

AND

The Divisional Superintendent of Police, Sircilla, Karimnagar District & others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.8387 of 2006

O R D E R:

The petitioner seeks to issue a Writ of Mandamus declaring the action of the respondents in not investigating and arresting the accused/respondents 3 and 4 in Crime No.13 of 2006, dated 19-01-2006 on the file of the Vemulawada Police Station, Karimnagar District, as illegal and arbitrary.

Counter has been filed by the respondents 1 and 2 stating that a case in Crime No.13 of 2006, under Sections 3(ix) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and 500 IPC, was registered on
19-01-2006 and the same was investigated into. It is further stated that the investigation revealed that the averments made in the complaint have not been established and therefore, the complaint of the petitioner was treated as Mistake of Fact and after obtaining necessary permission, the final report will be filed before the concerned Court.

Since the counter was filed on 12-06-2006, the final report might have already been filed before the concerned Court. Hence, the writ petition is dismissed. If the petitioner is aggrieved by the final report, he is at liberty to file a protest petition or private complaint under Section 200 r/w190 Cr.P.C. No costs.

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22-02-2007

usd